IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9697 OF 2004

Rajarani Rana. ... Petitioner

Vs.

Head Master, Gurunanak High School, Ulhasnagar & Ors. ... Respondents

Mr. M.V. Limaye for the petitioner.

Mr. Y.D. Mulani, AGP for the State.

CORAM : SMT. RANJANA DESAI &
SMT. ROSHAN DALVI, JJ.

DATED : DECEMBER 18, 2007.

P.C.:-

1. This writ petition is filed in the year 2004. It was dismissed for want of prosecution on 11/3/2005 and was then restored on condition that costs of Rs.250/- are paid to the Maharashtra State Legal Services Authority. Thereafter, it was not circulated before the court. It came on our board on account of general direction given by us to the office that all matters of 2004 be placed on our board.

2. We have heard learned counsel appearing for the petitioner and the learned A.G.P. appearing for the State. In the petition, the petitioner has prayed for a declaration that the B.Ed. degree of Bharatiya Shikshak Parishad (U.P.) be recognized in the State of Maharashtra and for a writ of mandamus directing the respondents to grant salary to the petitioner as per B.Ed. Scale and also directing the respondents to approve and sanction the salary of the petitioner in B.Ed Scale.

3. Our attention is drawn by learned counsel for the petitioner to Government Resolution dated 9/6/2005. This Government Resolution states that those teachers who were appointed prior to 10/10/2002 and who had B.Ed degree from Universities recognized by that particular State or the Central Government, their B.Ed degree will be recognized in the State of Maharashtra. Learned counsel contended that the petitioner has obtained B.Ed degree from Bharatiya Shikshak Parishad (U.P.) prior to 10/10/2002 and, therefore, he must get the benefit of this Government Resolution. We are unable to accept this contention. The first prayer of the petitioner is that a declaration be given that Bharatiya Shikshak

Parishad (U.P.) is recognized in the State of Maharashtra. He has not produced any record to show that Bharatiya Shikshak Parishad (U.P.) is recognized by Government of Uttar Pradesh or the Central Government. If he had any such material from 2004 to 2007, the petition should have been amended. Even today, no such material is produced in the court. In the circumstances, as the averments of the petition stand today, the petitioner cannot get the benefit of Government Resolution dated 9/6/2005. In the circumstances, the petition cannot be entertained and is dismissed.

[SMT. RANJANA DESAI, J.]

[SMT. ROSHAN DALVI, J.]